

INSD Pro Se Civil Rights Complaint (unrelated to imprisonment) 12/19 (adapted from AO Pro Se 15 (Rev. 12/16))

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana 3:22-cv-00113-RLY-MPB

Anthony Flowers

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

+ Midtown Hospital
 GDS (Officer Taylor & Hall)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

CO12207MC2167

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

~~Yes~~ ^{AF}

☒ No

FILED
 JUL 29 2022
 U.S. DISTRICT COURT
 EVANSVILLE, INDIANA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

INSD Pro Se Civil Rights Complaint (unrelated to imprisonment) 12/19 (adapted from AO Pro Se 15 (Rev. 12/16))

I. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Officer Taylor and the GPS did not ask any questions revolving the accident. They immediately started showing excessive force and discrimination later when in court adding false information.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

They shackled from my feet to my hands behind my back; Officer Taylor and Hall picked me up by the chains. The officers throw me in the wagon and busted my lip (on camera). I got out the seatbelt to relieve some pressure from the handcuffs. Once at Midtown hospital 600 Mary St. They yanked me out said they wouldn't lose the restraints. They yelled stopped resisting when I didn't do anything. They cut their cameras off when they beat me once I started talking back to them.

They added all kind of false charges when I went to court 2 counts of intimidation and poss. of meth that I know I did not have.

The officers elbowed me in the hallway while I was in the wheel chair. They also pulled my hair extra hard causing ^{a couple} ~~the~~ dreadlocks to fall out. In the hospital bed still handcuffed ^(behind back) mind you I didn't need any medical attention before the altercation with Taylor and other officers. They stuck the IV in my arm while behind my back. The doctor said that it was not right, so they finally took me out of them. Taylor said if I move he would do something to me like I could really run. I was talking back like I had the Freedom of speech to do. With the IV attached to my hand, not hooked up to ~~the~~ machine, they stuck me with something. Not even 5 mins they rolled me back to the wagon. Upon arrival at jail in the nascar chair strapped down; They pulled my arms up all the way behind the chair. Strapped the restraints to the limit ~~where~~ ^{AF} where they bruised me badly. They had me in a room for over 7 minutes screaming because of the pain. Wikerson let me out to ^{relieve me} ~~get more~~ ^{AF} and register me out. They put me in a turtle suit, and a couple hrs after I asked for medical because my chest was messed up. They put me in cell 20 no cover or mat for the whole night. I didn't get a cover or mat until after dinner. I had seen the nurse two times briefly and she stated nothing was wrong. I have been feeling kinda ill since and was admitted to St. Vincent and was diagnosed with pneumonia.

I. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- A.** Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)☐ State or local officials (a § 1983 claim)

- B.** Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D.** Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

INSD Pro Se Civil Rights Complaint (unrelated to imprisonment) 12/19 (adapted from AO Pro Se 15 (Rev. 12/16))

II. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Anthony Flowers

1902 Culver Dr

Evansville

IN

47713

Vanderburgh

State

Zip Co

(812) 854-6209

N/A

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

EPD + Midtown Hospital

Law enforcement

141A

Evansville

IN

47713

Vanderburgh

State

Zip Code

N/A

N/A

☐

Individual capacity

☒

Official capacity

INSD Pro Se Civil Rights Complaint (unrelated to imprisonment) 12/19 (adapted from AO Pro Se 15 (Rev. 12/16))

Defendant No. 2

Name

Job or Title *(if known)*

Address

City

State

Zip code

County

Telephone Number

E-Mail Address *(if known)*

☐

Individual capacity

☐

Official capacity

Defendant No. 3

Name

Job or Title *(if known)*

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address *(if known)*

☐

Individual capacity

☐

Official capacity

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

From Culver + Madison, pati wagon, midtown, VCJ

B. What date and approximate time did the events giving rise to your claim(s) occur?

in between 1am - 2am In Jail after 3am

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

refer to page 2 of 6

INSD Pro Se Civil Rights Complaint (unrelated to imprisonment) 12/19 (adapted from AO Pro Se 15 (Rev. 12/16))

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Refer to page 2 and pictures attached.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like them to drop all false incriminating charges filed against I, Anthony Flowers.

VI. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/10/2022

Signature of Plaintiff

Printed Name of Plaintiff


Anthony Flowers